

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAN G. VERHAAG, SR.,

Plaintiff,

vs.

WINDERMERE REAL ESTATE, et
al.,

Defendants.

NO. CV-09-0374-LRS

ORDER DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION

On March 11, 2010, the Court entered an Order of Dismissal, Ct. Rec. 9, dismissing plaintiff's claims without prejudice. On March 19, 2010, plaintiff filed a Motion For Reconsideration, Ct. Rec. 10, along with "Plaintiff's RICO Case Statement," Ct. Rec. 11. Although plaintiff has filed a RICO statement (which ordinarily have a four year statute of limitation), the alleged RICO claims (limitation) appear to the undersigned to be based upon alleged breach of contract, misrepresentation, negligence, failed business transactions and a number of factual scenarios that allegedly give rise to other claims under the common law. A RICO claim(s) cannot be based upon plaintiff's allegations presently before the Court. Absent a properly pled RICO claim, plaintiff has not shown that the Federal Court has jurisdiction inasmuch as claims under state law against residents of

1 the same state do not, without more, result in this court having
2 jurisdiction to proceed. The Court hereby denies the motion for
3 reconsideration and the case remains dismissed without prejudice.

4 **IT IS HEREBY ORDERED:** Plaintiff's action remains **DISMISSED**
5 without prejudice.

6 **IT IS SO ORDERED.** The District Court Executive is directed to
7 enter this Order, provide a copy to plaintiff, and **THIS FILE REMAINS**
8 **CLOSED.**

9 **DATED** this 31st day of March, 2010.

10
11 ***s/Lonny R. Suko***

12 _____
13 LONNY R. SUKO
14 CHIEF UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27